

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LILIAN CALCANO-KING,

Plaintiff,

Civ: 21-cv-8059 (JLR)

~~PROPOSED~~ ORDER

-against-

GARY MICHAEL GOULETTE and FEDEX
CUSTOM CRITICAL, INC.

Defendants.

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JENNIFER L. ROCHON, United States District Judge:

Defendants have objected to plaintiff's counsel recording in writing the oral questions being asked of plaintiff during the neuropsychological examination by defense expert Dr. Barbara Baer, who is administering neuropsychological tests manufactured by Pearson Assessments and Psychological Assessment Resources. Defendants have advised that Pearson Assessments and Psychological Assessment Resources deem the questions to be copyrighted and containing trade secrets.

Following oral arguments during which plaintiff's counsel agreed to enter into a confidentiality agreement concerning the test questions being asked by Dr. Baer, IT IS HEREBY ORDERED as follows:

1. Plaintiff's counsel may write down the questions being asked by Dr. Baer to plaintiff.

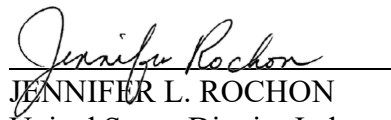
2. Neither plaintiff nor plaintiff's counsel shall use the questions for any purpose other than for the preparation or presentation of their case in this action.

3. Counsel ~~for plaintiff~~ shall not disclose the questions to any ~~person not a member of the staff of his law office in connection with the preparation or presentation of plaintiff's case in this action.~~ other person, except to those persons specified at paragraphs (a)-(g) of page 2 of this Order.

4. ~~Prior to the questions being filed on ECF or used in a court proceeding, the parties shall seek a ruling on whether the questions are to be marked confidential or submitted under seal.~~ If either party seeks to seal or redact information, the parties shall comply with all applicable rules and law, including Rule 4(B) of the Court's Individual Rules of Practice in Civil Cases.

Dated: July 24, 2023
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge

- (a) the Parties to this action, their insurers, and counsel to their insurers;
- (b) counsel retained specifically for this action, including any paralegal, clerical and other assistant employed by such counsel and assigned to this matter;
- (c) outside vendors or service providers (such as copy-service providers and document-management consultants, graphic production services or other litigation support services) that counsel hire and assign to this matter, including computer service personnel performing duties in relation to a computerized litigation system;
- (d) any witness who counsel for a Party in good faith believes may be called to testify at trial or deposition in this action, provided such person has first executed a non-disclosure agreement;
- (e) any person retained by a Party to serve as an expert witness or otherwise provide specialized advice to counsel in connection with this action, provided such person has first executed a non-disclosure agreement;
- (f) stenographers engaged to transcribe depositions conducted in this action; and
- (g) this Court, including any appellate court, and the court reporters and support personnel for the same.